

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 1116 of 2006

RAJENDRA SINGH RATHORE
V/S
STATE & ORS.

Mr. KULDEEP MATHUR, for the appellant / petitioner

Date of Order : 1.5.2006

HON'BLE SHRI N P GUPTA, J.

ORDER

The case was mentioned to be taken out of turn in view of the note appended in the cause list.

Heard learned counsel for the petitioner. Perused the impugned order. Vide Annexure 4 it was found by the Disciplinary Authority that inquiry conducted by the inquiry officer is laconic, in some respect or the other and, therefore, the disciplinary authority remanded the case for further/denovo inquiry, and for convenience, formulated some specific points. It is, thereafter, that instead of conducting fresh inquiry, inquiry officer only went on exchanging correspondence and, therefore, ultimately vide impugned order Annexure 8 inquiry officer was again directed to do the needful for holding fresh inquiry and submit complete report. Of-course, in this Annexure 8, reference has been made to Rule 16 [6] of the CCA Rules.

It is contended by the learned counsel for the petitioner that the circumstances contemplated by Rule 16 [6] do not exit in the present case and that the inquiry officer could not be directed to inquire in line with the first information report as that would prejudice his defence. In the alternative it was submitted that if the enquiry is to be done in accordance with Annexure 4 and 8, then pending disposal of the criminal case, the proceedings of departmental inquiry should be kept in abeyance.

In my view, the basic order is Annexure 4, which is fully in accordance with the requirements of Rule 16 [9], and it appears, that the inquiry officer is adopting a stubborn attitude, and not complying with the directions of the disciplinary authority, for reasons not known to others and, therefore, in the process of making efforts to see that good sense should prevail upon the enquiry officer, to comply with the directions of the disciplinary authority, some more observations has been made, but that can hardly vitiate the order Annexures 4, and 8 for that matter.

Thus, I do not find any force in this petition. The same is, therefore, dismissed summarily.

(N P GUPTA), J.

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